

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.22114 OF 2007

DATED: 12-11-2007

BETWEEN:

Donthi Madhavi

.....Petitioner

AND

Osmania University, rep., by its Registrar,  
OU Campus, Hyderabad and two others

.....Respondents

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THE HON'BLE SRI JUSTICE GODA RAGHURAM

**WRIT PETITION No. 22114 OF 2007**

**ORDER:**

The petitioner joined the 1<sup>st</sup> respondent – University for a course of instruction in Engineering (B.Tech) through the 2<sup>nd</sup> respondent – College. After completion of two years of study and during the third year of study, in April 2007, the petitioner unfortunately suffered meningitis and emphysema of the chest and was hospitalized. As a consequence, she lost attendance. After medical certification, she commenced attending classes from 8-8-2007. She also paid the fee attending the classes of the I semester of the IV year. Admittedly, she fell short of the minimum 65% of the attendance that is requisite even on medical certification. She has now been refused appearance at the examination for the I semester of the IV year on the ground that she failed to put in the minimum attendance of 65%. She already has a backlog of eight papers up to the III year. If the I semester IV year backlogs are added thereto, she will have a backlog in excess of nine which is the maximum backlogs permissible. As a consequence she will be forced to pursue an additional academic year to clear the backlogs and come within the permissible limits. In the circumstances, the petitioner is before this Court assailing the action of the 1<sup>st</sup> respondent in not permitting her to complete the B.Tech Course IV year I semester scheduled from 15-10-2007 onwards.

The I semester IV year examinations are now over and the petitioner could not attend the same on account of the respondents preventing her from appearing at the examinations.

Appearing for the respondents, Sri Deepak Bhattacharjee has placed before this Court the Rules and Regulations of Attendance

prescribed for the students governed by the Academic Regulations of the University. These Regulations are not drafted with the syntactic craft seen in legislative drafting. However, on a holistic interpretation of the Regulations, it is clear that an attendance of not less than 75% of the instructional portion and 100% of the practice portion is mandated and in special cases and for sufficient cause shown, the Vice-Chancellor of the University may on the specific recommendation of the Principal or Head of the Department condone the deficiency in attendance to the extent of 10% on medical grounds subject to submission of medical certificate and payment of condonation fee. The Rules therefore clearly, the learned counsel for the petitioner does not dispute this legal position, mandate a minimum of 65% attendance even after condonation on medical grounds for permission to appear at the examinations.

The learned counsel would however submit that the 75% or 65% attendance, as the case may be, is for the entire year and not for a semester. Support for this construction is placed on the provisions of Rule 9 of the Attendance Regulations, which read as under:

“9. a) Candidates admitted to the first year through an entrance test and do not have the requisite attendance but have not less than 40% attendance can seek readmission without once again appearing for the entrance test.

b) In respect of candidates of such courses where the admissions are governed through an entrance test, candidates of 1 year 1 semester who do not have the minimum 40% attendance would lose their seat and they will have to seek admission afresh by appearing at the entrance test once again.

c) In respect of the candidates of such courses where there is no entrance test for admission and who do not have the required attendance but have put in not less than 40% of attendance can seek readmission during the subsequent year.

d) In respect of the candidates of such courses where there is no entrance test for admission the candidates who have put in less than 40% attendance will have to seek admission afresh.

e) In respect of all the courses where the admissions are governed through an entrance test or otherwise, candidates of second and subsequent year of study, who do not have requisite attendance, but who have put in not less than 40% attendance can seek readmission to fulfill the attendance requirements during the subsequent year.”

Clause (e) of Rule 9 of the Attendance Regulations, stipulates that in respect of all courses, where the admissions are governed through an entrance test or otherwise, the candidates of the second and subsequent year of study, who do not have requisite attendance, but who have put in not less than 40% attendance can seek readmission to fulfill the attendance requirements during the subsequent year. This provision does not regulate the right to appear at the examinations. The Regulation relating to entitlement to appear at examinations are set out at 1 to 3, which mandate the percentage of attendance including the minimum attendance required on condonation on medical grounds. In any event, even in the context of an apparent ambiguity in the Rules, the ambiguity must be resolved by a purposive construction having regard to the purposes underlying the prescription of Attendance Rules. Since Engineering Course is pursued in semesters and Attendance Rules are incorporated to stipulate the minimum percentage of attendance required in each package of the course of instruction and these prescriptions are conceived in the public interest to ensure adequate exposure to instructional courses, to enable a candidate to imbibe the course of instruction, the expression ‘year’ must be construed as the relevant

year in the context of the course of instruction. In case of courses of study pursued in semesters, the percentage of attendance must therefore be construed as relatable to the semesters. So construed and the Attendance Rules etymologically do not eschew or prohibit such a construction, the petitioner must have put in 65% of attendance in each semester for the B.Tech Course. Admittedly, the petitioner did not, though unfortunately and for medical reasons. She is therefore disentitled to appear at the examinations.

As regards the course fee paid by the petitioner, the same can be adjusted in the ensuing year and this Court hopes and trusts that the 2<sup>nd</sup> respondent – educational institution will not be lacking in grace and equity to deny her the adjustment facility for the course fee already paid.

On the analysis above, no relief could be granted. The writ petition is dismissed.

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**(GODA RAGHURAM, J)**

Dated: 12-11-2007  
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